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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 IN RE THE GENERAL ADJUDICATION
14 OF ALL RIGHTS TO USE WATER IN
15 THE GILA RIVER SYSTEM AND
16 SOURCE

17 W-1 (Salt)
18 W-2 (Verde)
19 W-3 (Upper Gila)
20 W-4 (San Pedro)
21 (Consolidated)

22 Contested Case No. W1-11-2844

23 **ARIZONA DEPARTMENT OF WATER**
24 **RESOURCES' NOTICE OF FILING**
25 **ABSTRACTS AND MAPS**

26 Special Master Susan Ward Harris

CONTESTED CASE NAME: *In re ASLD- John and Mary Lou Smith*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report ("HSR")

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") provides notice of filing the draft abstracts and maps as requested in the Order filed January 27, 2023.

NUMBER OF PAGES: Two and a four-page attachment

DATE OF FILING: February 28, 2023

1 Pursuant to the January 27, 2023 Order in this matter, ADWR hereby provides
2 notice of filing draft abstracts and maps for PWRs 114-03-005-SP001 and 114-03-005-
3 SW002. Copies of the draft abstracts and maps are attached to the original of this Notice
4 being filed with the Clerk (Attachment A) and are being posted to ADWR's website at:
5 <https://new.azwater.gov/adjudications>.

6 **DATED** this 28th day of February, 2023.

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8 ARIZONA DEPARTMENT OF WATER
RESOURCES

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10 Kimberly R. Parks, Deputy Counsel
11 Kome Akpolo, Deputy Counsel

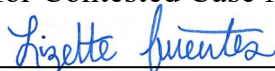
12 **ORIGINAL** of the foregoing notice and attachment
13 hand-delivered on February 28, 2023, to:

14 Clerk of the Maricopa Superior Court
15 Attn: Water Case
16 601 W. Jackson Street
Phoenix, Arizona 85003

17 **COPY** of the foregoing notice and attachment
18 hand-delivered on February 28, 2023, to:

19 Special Master Susan Ward Harris
20 Maricopa County Superior Court
21 Central Court Building
22 201 West Jefferson Street, Suite 3A
Phoenix, AZ 85003-2205

23 **COPIES** of the foregoing notice and attachment
24 sent by first-class mail on February 28, 2023 to all
25 parties on the court-approved mailing list
for Contested Case No. W1-11-2844.

26 

ATTACHMENT A

Report on Draft Abstracts

W1-11-2844 *In re ASLD - John and Mary Lou Smith*

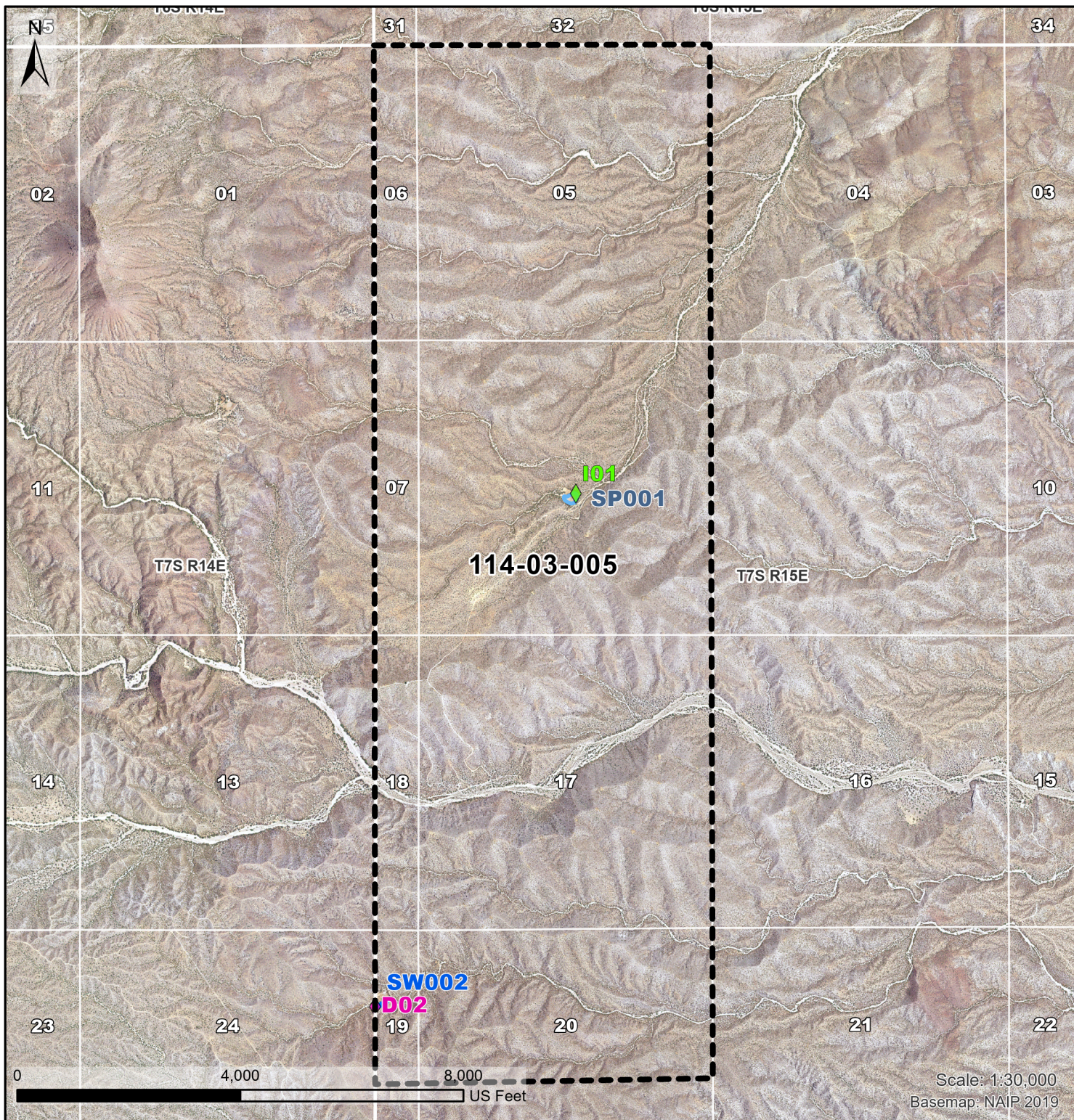
114-03-005-SP001

At this time, ADWR would not recommend a water right for this use because it does not appear that a certificate was ever issued for this stockpond. The quantity and priority date listed in the draft abstract are based on what is claimed in 38-70651.

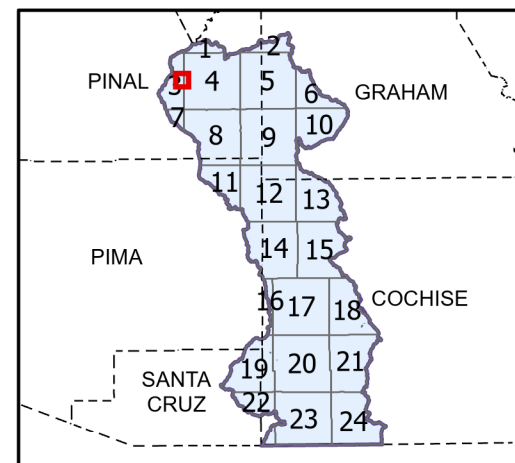
114-03-005-SW002

SW002 ("Cowhead Wash") is contained within a fractional section: NESWNW19 T7S R15E. A fractional section is defined by the Bureau of Land Management as: "Fractional by area sections have areas other than 640 acres and are found mainly on the north and west boundaries of townships where lots are created against those boundaries. Because these sections have all four quarter corners, they are subdivided by the standard intersection method." In the case of Cowhead Wash, section 19 is 95 acres in size, rather than the standard 640 acres. It is elongated from north to south but is subdivided by the standard method. Additionally, the source of water listed in the draft abstract has been updated from that listed in the HSR to give a more specific description. For the priority date, ADWR has used the date of first use from the HSR as required by previous court order.¹

¹ Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases Involving Stockwatering, Stockponds, and Domestic Uses filed November 14, 1994, in Contested Case No. W1-11-19, *In re Sands Group of Cases (W1-11-19) and Other Related Cases (Consolidated)*, at 42.



- WFR Boundary**
- Township/Range
 - Section
- Water Use Type**
- Stockpond
 - Surface Water
- Points of Diversion**
- Diversion
 - Impoundment



Watershed File Report

114-03-005

Landowner

ARIZONA STATE LAND DEPARTMENT

HSR Region 03

San Pedro River



ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

San Pedro River Watershed

1. Proposed Water Right	114-03-005-SP001
2. Owner of Right	
3. Landowner	Arizona State Land Department
4. Statement of Claimant(s)	39-2957, 39-6810
5. Lessee or Permittee	Smith, John E. & Mary Lou
6. Basis of Right	38-70651, 38-94290
7. Beneficial Use	Stock and wildlife watering from a stockpond
8. Priority Date	12/31/1946
9. Quantity	Not to exceed (\leq) 4 acre-feet annually with continuous fill
10. Place of Use	NWNWSE08 07S 15E
11. Point of Diversion	I01 (NWNWSE08 070S 150E)
12. Source of Water	Antelope Wash
13. Facility Name	Antelope Tank

Additional Information:



Beneficial Use

 Stockpond

Point of Diversion

 Impoundment

San Pedro River



ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

San Pedro River Watershed

1. Proposed Water Right	114-03-005-SW002
2. Owner of Right	
3. Landowner	Arizona State Land Department
4. Statement of Claimant(s)	39-6813
5. Lessee or Permittee	Smith, John E. & Mary Lou
6. Basis of Right	3R-2020, 36-4960, 38-72440
7. Beneficial Use	Stock and wildlife watering
8. Priority Date	12/31/1884
9. Quantity	Reasonable use
10. Place of Use	NESWNW19 070S 150E
11. Point of Diversion	D02 (NESWNW19 070S 150E)
12. Source of Water	Cowhead Wash

Additional Information:



Beneficial Use

 Stockwatering

Point of Diversion

 Diversion

114-03-005-SW002

San Pedro River



ADWR February 2023